

# **NOTICE OF A CASE OF SPECIAL URGENCY FOR THE MAKING OF A KEY DECISION<sup>1</sup>**

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<sup>1</sup> In accordance with Regulation 11(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1. Where a decision maker intends to make a key decision,<sup>2</sup> that decision must not be made until at least 28 clear days public notice has been given<sup>3</sup>.
2. Where the publication of the intention to make a key decision is impracticable, that decision may only be made where the Chair of the Overview and Scrutiny Committee has been informed of the matter about which the decision is to be made, notice to the Chair has been made available for public inspection at the Council offices and published on the Council's website, and after 5 clear days have elapsed following the day on which notice to the Chair was made publicly available<sup>4</sup>.
3. Where the date by which a key decision must be made makes compliance with the requirements of paragraph 2 above impracticable the decision may only be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred<sup>5</sup>.
4. **This notice<sup>6</sup> confirms that the Chair of the Overview and Scrutiny Committee has agreed that the making of the key decision in relation to the business set out below is urgent and cannot reasonably be deferred for the reasons set out below.**

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<sup>2</sup> A Key Decision is defined in legislation as an executive decision, which is likely:

- to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
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<sup>3</sup> In accordance with Regulation 9(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>4</sup> In accordance with Regulation 10(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>5</sup> In accordance with Regulation 11(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>6</sup> In accordance with Regulation 11(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Date of decision or period within which the decision is to be made	Matter in respect of which the decision is to be made	Short description	Decision maker	Cabinet Member & Lead Officer	List of documents to be submitted to the decision maker	If all or part of the report is exempt or confidential this will be stated below and reason given. If all the papers are publically accessible this column will say public	Reasons why decision is urgent and cannot reasonably be deferred
28 <sup>th</sup> August 2020	Leisure Provision by Fusion and support in respect to the restart of the Fusion Business	Fusion have requested the council's existing charge against the New River lease rank equal to in charge in respect of a loan that Fusion wish to secure via the Government backed Coronavirus Large Business Interruption Loan Scheme. The council has the option to agree to the request or not agree to the request. Both options present risks and potential costs for the council and therefore an on-balance decision is proposed.	Cabinet Member signing	Cabinet member for Corporate and Civic Services	Report of Director of Environment & Neighbourhoods Leisure Provision by Fusion and support in respect to the restart of the Fusion Business:- Part 1 Public report & Part 2 exempt report including exempt appendices 1,2 & 3.	Part 2 exempt report and exempt appendices 1,2&3  These documents are not for publication as they contain information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding the information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	A decision is required urgently to allow Fusion to finalise their loan. Finalising and drawing down the loan as soon as possible will allow Fusion to carry on trading and restructure their business in response to the impact of Covid-19 Pandemic.  Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 16, of the Constitution.  As set out below the decision is urgent and time critical in

							accordance with Part 4 Section H paragraph 18 (a) and 18 (b)

*Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests due to the fact that this is a National emergency and the Council must ensure that it does not hinder Fusion's ability to carry on trading and restructure their business, the Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.*

Bernie Ryan  
Assistant Director Corporate Governance  
Haringey Council

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